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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,615	08/19/2003	Georg Strasser	P/3328-56	4949
2352	7590	09/09/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			FERGUSON, MARISSA L	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/643,615

Applicant(s)

STRASSER, GEORG

Examiner

Marissa L Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8-12 and 15-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17-19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. Claim 17 recites the limitation "the stamping tool" in Line 2. There is insufficient antecedent basis for this limitation in the claim. This claim is indefinite because it is unclear as to what "stamping tool" applicant is referring to. Does "the stamping tool" refer to the embossing cylinder?

3. Claim 18 recites the limitation "a tool generating line" in Line 2 and "the holding tool" in Line 5. There is insufficient antecedent basis for this limitation in the claim. This claim is indefinite because it is unclear as to what "a tool generating line" is referring to and what "holding tool" the applicant is referring to.

4. Claim 19 recites the limitation "the tool generating" in Line 3. There is insufficient antecedent basis for this limitation in the claim. This claim is indefinite because it is unclear as to what "stamping tool" applicant is referring to.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erb et al. (US Patent 3,655,312) in view of Bates (US Patent 5,921,175) and Sugiyama et al. (US Patent 5,588,362).

Regarding claims 1,13 and 14, Erb et al. teaches a working cylinder (22) having a first axis and a periphery, a drive for driving the cylinder to rotate around the axis (Figure 3), the embossing plates (patterns located on cylinder in Figure 3) holding patterns of the material to be laid on the support (W) being held on the working cylinder (22), a backing cylinder (23) having a periphery and being placed such that the peripheries of the cylinders are in opposition and the peripheries are spaced apart (Figure 6), the backing cylinder having a second axis, a shaft (27) through the anvil cylinder, bearings (28) between the backing cylinder and the shaft thereof and a prestress application (31) assembly operable to exert a defined prestress between the working cylinder and the backing cylinder (Figure 4). However, he does not explicitly disclose a heater and temperature controller for the working cylinder, wherein heat energy transfer elements are at selected locations between the heat housing and working cylinder providing slow heat transfer. Bates teaches an embossing machine that has a heat blower (22) wherein the temperature can be controlled at different ranges (Column 1, Lines 39-42), wherein the heat transfer elements (14) are at several locations between the heat housing and working cylinder providing slow heat transfer (Abstract, Column 1, Lines 33-52 and Column 2, Lines 22-44).

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Erb et al. and Bates does not explicitly disclose a space adjustment device connected with at least one of the cylinders to adjust the space between the working cylinder and the anvil cylinder. Sugiyama et al. teaches a printing press with eccentric bearings that discloses space adjustment means (Column 1, Lines 6-11, Column 3, Lines 59-67 and Column 4, Lines 1-5) between the cylinders (3,4 and Figures 1-3).

It would have been obvious to one of ordinary skill at the time the invention was made to modify the invention as taught by Erb et al. to include a heater and temperature controller as taught by Bates, since Bates teaches that it is advantageous to provide efficient and reliable embossing without damaging a work piece and to include a space adjustment device as taught by Sugiyama et al., since Sugiyama et al. teaches that it is advantageous to easily provide a space in order to compensate for different thicknesses of print medium.

Regarding claim 2, Erb et al. teaches a frame (24), a first pivot axis of a working cylinder and a second axis of the anvil cylinder are rigidly locked to the frame (Figure 4) and a rocking member (block element located above element 30) pivotably attached to the frame (24) at a third pivot axis (30) that is parallel to the working cylinder and the anvil cylinder, the rocking member being pivotable on the third pivot axis (Figure 4) so as to be part of the prestress application assembly (31).

Regarding claim 3, Erb et al. teaches a winch (31) engaged with the

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rocking member (block element located above element 30) for applying force to the rocking member to cause the prestress application assembly to exert the defined prestress between the working cylinder and the anvil cylinder.

Regarding claim 4, Erb et al. teaches a lever (29) disposed between the winch and the rocking member (Figure 4) wherein the winch moves the rocking member to cause the exertion of the prestress.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Erb et al. (US Patent 3,655,312) in view of Bates (US Patent 5,921,175) and Sugiyama et al. (US Patent 5,588,362) as applied to claim 1 above, further in view of Ebnetter (US Patent 3,391,638).

Erb et al., Bates and Sugiyama et al. teach the invention claimed with the except for the working cylinder having an external tubular wall defining the periphery thereof wherein a cylindrical heating housing is in thermal contact with the external wall of the working cylinder. Ebnetter teaches a heated impression cylinder with cylindrical heating elements (9) that come in thermal contact with an external wall (Figure 2). It would have been obvious to one of ordinary skill at the time the invention was made to further modify the invention as taught by Erb et al. to include cylindrical heating elements as taught by Ebnetter, since Ebnetter teaches that is advantageous to provide cylindrical heating to prevent distortion of the cylinder jacket.

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***Allowable Subject Matter***

8. Claims 5,6,8-12,15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 17-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Reasons for Allowance***

10. The following is an examiner's statement of reasons for allowance: regarding claim 5, the prior art does not teach or render obvious a second cylindrical part mounted on a part of the shaft of the anvil cylinder being in contact with the first cylindrical part at the working cylinder and being independently movable with respect to the anvil cylinder, the shaft of the anvil cylinder having a pivot portion on which the second cylindrical part is defined, and the pivot portion is eccentric with respect to the second axis of the anvil cylinder.

Regarding claim 15, the prior art does not teach or render obvious blocks under the embossing plates at the working cylinder for slowing heat transfer.

Regarding claim 18, the prior art does not teach or render obvious blocks in profile shape along a tool generating line for fixing the embossing plates, and the profiles of the blocks having an inclined face toward the embossing plates for providing precise positioning of the embossing plate to allow reproduction in the radial direction and also angularly against a reference face of the holding tool.

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Regarding claim 8, the prior art does not teach or render obvious a plurality of concentric, radially spaced apart, tubular walls in the cylindrical heating housing for defining a central space and concentric surrounding spaces defined by in between the tubular walls and communication holes at the walls between the concentric chambers.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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